

SECOND REGULAR SESSION

# SENATE BILL NO. 660

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3062S.021

## AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 571.030, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 571.030, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he  
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,  
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
7 boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any  
8 building or structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily  
10 capable of lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while  
12 intoxicated; or

13 (6) Discharges a firearm within one hundred yards of any occupied  
14 schoolhouse, courthouse, or church building; or

15 (7) Discharges or shoots a firearm at a mark, at any object, or at random,  
16 on, along or across a public highway or discharges or shoots a firearm into any  
17 outbuilding; or

18 (8) Carries a firearm or any other weapon readily capable of lethal use  
19 into any church or place where people have assembled for worship, or into any  
20 election precinct on any election day, or into any building owned or occupied by

21 any agency of the federal government, state government, or political subdivision  
22 thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined  
24 in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any  
25 other motor vehicle, or at any building or habitable structure, unless the person  
26 was lawfully acting in self-defense; or

27 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
28 readily capable of lethal use into any school, onto any school bus, or onto the  
29 premises of any function or activity sponsored or sanctioned by school officials or  
30 the district school board; or

31 **(11) Discharges or shoots a firearm into the air for celebratory**  
32 **purposes in a home rule city with more than four hundred thousand**  
33 **inhabitants and located in more than one county.**

34 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this  
35 section shall not apply to or affect any of the following:

36 (1) All state, county and municipal peace officers who have completed the  
37 training required by the police officer standards and training commission  
38 pursuant to sections 590.030 to 590.050, RSMo, and possessing the duty and  
39 power of arrest for violation of the general criminal laws of the state or for  
40 violation of ordinances of counties or municipalities of the state, whether such  
41 officers are on or off duty, and whether such officers are within or outside of the  
42 law enforcement agency's jurisdiction, or all qualified retired peace officers, as  
43 defined in subsection 10 of this section, and who carry the identification defined  
44 in subsection 11 of this section, or any person summoned by such officers to assist  
45 in making arrests or preserving the peace while actually engaged in assisting  
46 such officer;

47 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails  
48 and other institutions for the detention of persons accused or convicted of crime;

49 (3) Members of the armed forces or national guard while performing their  
50 official duty;

51 (4) Those persons vested by article V, section 1 of the Constitution of  
52 Missouri with the judicial power of the state and those persons vested by Article  
53 III of the Constitution of the United States with the judicial power of the United  
54 States, the members of the federal judiciary;

55 (5) Any person whose bona fide duty is to execute process, civil or  
56 criminal;

57 (6) Any federal probation officer or federal flight deck officer as defined  
58 under the federal flight deck officer program, 49 U.S.C. Section 44921;

59 (7) Any state probation or parole officer, including supervisors and  
60 members of the board of probation and parole;

61 (8) Any corporate security advisor meeting the definition and fulfilling the  
62 requirements of the regulations established by the board of police commissioners  
63 under section 84.340, RSMo; and

64 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
65 examiner.

66 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not  
67 apply when the actor is transporting such weapons in a nonfunctioning state or  
68 in an unloaded state when ammunition is not readily accessible or when such  
69 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section  
70 does not apply to any person twenty-one years of age or older transporting a  
71 concealable firearm in the passenger compartment of a motor vehicle, so long as  
72 such concealable firearm is otherwise lawfully possessed, nor when the actor is  
73 also in possession of an exposed firearm or projectile weapon for the lawful  
74 pursuit of game, or is in his or her dwelling unit or upon premises over which the  
75 actor has possession, authority or control, or is traveling in a continuous journey  
76 peaceably through this state. Subdivision (10) of subsection 1 of this section does  
77 not apply if the firearm is otherwise lawfully possessed by a person while  
78 traversing school premises for the purposes of transporting a student to or from  
79 school, or possessed by an adult for the purposes of facilitation of a  
80 school-sanctioned firearm-related event.

81 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
82 apply to any person who has a valid concealed carry endorsement issued pursuant  
83 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed  
84 firearms issued by another state or political subdivision of another state.

85 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this  
86 section shall not apply to persons who are engaged in a lawful act of defense  
87 pursuant to section 563.031, RSMo.

88 6. Nothing in this section shall make it unlawful for a student to actually  
89 participate in school-sanctioned gun safety courses, student military or ROTC  
90 courses, or other school-sponsored firearm-related events, provided the student  
91 does not carry a firearm or other weapon readily capable of lethal use into any  
92 school, onto any school bus, or onto the premises of any other function or activity

93 sponsored or sanctioned by school officials or the district school board.

94           7. Unlawful use of weapons is a class D felony unless committed pursuant  
95 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a  
96 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in  
97 which case it is a class A misdemeanor if the firearm is unloaded and a class D  
98 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,  
99 in which case it is a class B felony, except that if the violation of subdivision (9)  
100 of subsection 1 of this section results in injury or death to another person, it is  
101 a class A felony.

102           8. Violations of subdivision (9) of subsection 1 of this section shall be  
103 punished as follows:

104           (1) For the first violation a person shall be sentenced to the maximum  
105 authorized term of imprisonment for a class B felony;

106           (2) For any violation by a prior offender as defined in section 558.016,  
107 RSMo, a person shall be sentenced to the maximum authorized term of  
108 imprisonment for a class B felony without the possibility of parole, probation or  
109 conditional release for a term of ten years;

110           (3) For any violation by a persistent offender as defined in section  
111 558.016, RSMo, a person shall be sentenced to the maximum authorized term of  
112 imprisonment for a class B felony without the possibility of parole, probation, or  
113 conditional release;

114           (4) For any violation which results in injury or death to another person,  
115 a person shall be sentenced to an authorized disposition for a class A felony.

116           9. Any person knowingly aiding or abetting any other person in the  
117 violation of subdivision (9) of subsection 1 of this section shall be subject to the  
118 same penalty as that prescribed by this section for violations by other persons.

119           10. As used in this section "qualified retired peace officer" means an  
120 individual who:

121           (1) Retired in good standing from service with a public agency as a peace  
122 officer, other than for reasons of mental instability;

123           (2) Before such retirement, was authorized by law to engage in or  
124 supervise the prevention, detection, investigation, or prosecution of, or the  
125 incarceration of any person for, any violation of law, and had statutory powers of  
126 arrest;

127           (3) Before such retirement, was regularly employed as a peace officer for  
128 an aggregate of fifteen years or more, or retired from service with such agency,

129 after completing any applicable probationary period of such service, due to a  
130 service-connected disability, as determined by such agency;

131 (4) Has a nonforfeitable right to benefits under the retirement plan of the  
132 agency if such a plan is available;

133 (5) During the most recent twelve-month period, has met, at the expense  
134 of the individual, the standards for training and qualification for active peace  
135 officers to carry firearms;

136 (6) Is not under the influence of alcohol or another intoxicating or  
137 hallucinatory drug or substance; and

138 (7) Is not prohibited by federal law from receiving a firearm.

139 11. The identification required by subdivision (1) of subsection 2 of this  
140 section is:

141 (1) A photographic identification issued by the agency from which the  
142 individual retired from service as a peace officer that indicates that the individual  
143 has, not less recently than one year before the date the individual is carrying the  
144 concealed firearm, been tested or otherwise found by the agency to meet the  
145 standards established by the agency for training and qualification for active peace  
146 officers to carry a firearm of the same type as the concealed firearm; or

147 (2) A photographic identification issued by the agency from which the  
148 individual retired from service as a peace officer; and

149 (3) A certification issued by the state in which the individual resides that  
150 indicates that the individual has, not less recently than one year before the date  
151 the individual is carrying the concealed firearm, been tested or otherwise found  
152 by the state to meet the standards established by the state for training and  
153 qualification for active peace officers to carry a firearm of the same type as the  
154 concealed firearm.